

United States District Court of the ^{U.S. DISTRICT COURT} ~~DISTRICT OF VERMONT~~ Vermont
FILED

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Plaintiff: Shaun LaCross,
VS

Defendant: Vermont State Police,

D.E.A.: William Roprich,

Burlington Federal defender,

Ian Carleton,

Homeland security - "Paul"

CLERK (EM)
BY DEPUTY CLERK
Case no 5:22-cv-67

Complaint

Civil Rights violations in pursuant to 42 U.S.C §§ 1983, 1985

1. unlawful search and seizure in violation under the Fourth Amendment of the U.S. Constitution,

2. Outrageous government Conduct in violation of due process under the Fifth Amendment of the U.S. Constitution.

3. Excessive force in violation under the Fourth Amendment of U.S.C

4. Substantive due process in violation under the Fourteenth Amendment of the U.S. Constitution.

5. Equal protection, supervisor liability and failure to intervene in violation under the Fourteenth Amendment of U.S.C

6. Failure to prevent a Conspiracy and wrongful acts in pursuant to 42 U.S.C §§ 1985, 1986

7. Abuse of process in law enforcement and proceeding and Criminal action in violation of the Fourth and Fourteenth Amendments of the U.S. Constitution.

8. Federal wiretap statute violated the provisions of the Title III of the Omnibus Crime Control and Safe Streets Act 1968 18 U.S.C. §§ 2518 et seq
18 U.S.C §§ 2511

9. Breach of Contract in violation under Fourth and Fourteenth Amendments U.S. Constitution

10. Legal malpractice in violation under Fourth and Fourteenth Amendments U.S. Constitution

11. Federal Tort Claims in violation of 28 U.S.C. § 1346 A2

JURISDICTION

Because Plaintiff has brought claims pursuant to 42 U.S.C. § 1983 for alleged violations of his Constitutional rights, this Court has ~~and~~ jurisdiction of this matter pursuant to 28 U.S.C. § 1331

STATEMENT OF FACTS

On,

Plaintiff was residing at the Hilltop Inn motel in Barre, VT with his girlfriend Kayla Palmer.

Kayla Palmer has a medical condition "Cerebral palsy" she needs help walking and uses a wheel chair.

At this time of incident Plaintiff had been residing at the Hilltop Inn for about 3-4 months. Plaintiff was laying in bed watching television when he heard screaming "state police" "open the mother fucking door" At the same time pounding on the door. Plaintiff got out of bed and looked out the window seeing no police cars. The screaming "open the mother fuckin door now" "state police" continued. Pounding continued. Plaintiff went over to the door and unlocked

D.E.A. William Repuch, Plaintiff has had previous encounters with William Repuch, in 2009 William was a Franklin County Vermont Sheriff. in 2009 William arrested the Plaintiff and refused the Plaintiff's request for a lawyer at least 20 times. Plaintiff states that William threatened, promised and lied to him during a 4-5 hour interrogation where he would not allow Plaintiff a lawyer or stop threatening. Plaintiff made it clear to the D.E.A. officers that he did not want to speak to William nor was he willing to cooperate with there investigation. Plaintiff was told "we were just a couple of friendly guys sitting in a room". The officers asked the Plaintiff if he smoked cigarettes. Plaintiff replied NO that he quit smoking cigarettes 3-4 months prior. Plaintiff stated he was sitting in an interrogation room at the police station "sure" He would take a cigarette. D.E.A. agents asked about Plaintiff smoked and how went to the store and purchased Plaintiff a pack of MarlBoros. Plaintiff stated He was then taken outside to smoke, the two D.E.A. agents were not asking questions talking about bad habits, revealing that one agent. Plaintiff states they were being "decent". Plaintiff was then put back into a cell. Not long after being in the cell alone, the cell door opened, D.E.A. agent William Repuch was standing in the door. —

D.E.A. William Ruffin escorted the plaintiff outside to the parking lot. D.E.A. Agents gave the plaintiff a cigarette and then William Ruffin started asking questions. The plaintiff refused to answer and retreated a larger multiple times. The questioning continued. William demanded answers telling plaintiff he did not drive 3 hours to not get them. Plaintiff again requested a lawyer and William told the plaintiff that he will be charged with Federal Conspiracy if he refused to cooperate. William then asked plaintiff if he knows what that means. Plaintiff requested a lawyer and the threats and badgering continued. After refusing to cooperate the plaintiff was put back into the cell. D.E.A. Agents then opened his cell and brought the plaintiff back outside to the dark parking lot. This time D.E.A. told him that they had just spoke with his girlfriend Kayla and she told "us" everything. Now they have enough to charge me with Conspiracy if I don't cooperate. Plaintiff refused to cooperate and asked for a lawyer. An Agent comes aside at some point and has my cell phone and Kayla's cell phone inside plastic bags that say "evidence" on them.

William tells the plaintiff that he wants the passwords to access both of the cell phones. Plaintiff refuses to give the passwords. Plaintiff is told by William that it doesn't matter. Either the plaintiff will provide DEA with the passwords or DEA is seizing the phones and will get into the phones with a warrant in which they will then most definitely get into the phones then but I will never get the phones back. Plaintiff is told regardless the DEA is getting into the phones but if I sign this paper right here in the parking lot, right now then DEA will give the phones back tonight and won't keep them. Plaintiff argues back at fourth then finally signs after he is told they will also release him and not charge him with conspiracy if he signs the paper & give the passwords. The plaintiff is then released and dropped off with his cell phones at the Hill Top Inn.

Once DEA accessed plaintiff's phones they were going through the phones images and running the license plate #'s of vehicles in the photos. Then showing plaintiff pictures wanting to know who the people are to him. He was told he was being released for the night and that he was to cooperate in the coming days. If he didn't then he would be charged with conspiracy.

Plaintiff is told by William Popper they will be
 in touch. Plaintiff told William that he was hit
 with the door very hard and shows William the swelling
 on his face. Plaintiff also told the other DEA agents,
 he was told that he would be fine. Plaintiff then returns
 to the Hill Top Inn where his girlfriend Kayla is in
 an adjacent hotel room. "A friend" Plaintiff goes to
 the friends hotel room where he is met by Kayla and her
 grandfather Michael Chertneau. Plaintiff is immediately
 asked if he is okay. Plaintiff is told by Kayla
 that "They" never had a search warrant and
 there was alot of conversation between the DEA Agents
 and V.S.U. about how they had to were hit with the
 Battering Ram, There was talk of them searching the
 Room previous to the warrant, Plaintiff is told that
 his Room is completely destroyed. Light fixtures, doors
 shower head, everything is Ruined. Kayla tells
 Plaintiff that she would like to just leave and
 stay at her grandfathers for the night and
 deal with the room tomorrow, Plaintiff agrees he is ~~very~~ sore
 and tired. The following morning when Plaintiff awakes
 to his pinky finger on his right hand throbbing,
 Plaintiff calls the Hill Top Inn to let the Hotel know
 that he would be there to get his belongings

Plaintiff is told ~~that~~ the person ~~leaving~~ ^{who} ~~leaved~~ everything has been picked up. The Hotel called a young man driving a grey Toyota Camilla with tattoos into our room to take everything. Plaintiff did not give anyone permission. Keyla calls the same v.s.p who raided our Hotel Room the night before and was told they could not do anything. "Tyler Heed" was the person who took everything and after Keyla convinced that she would pay him, he returned some of our clothes. Basically everything we owned was missing. "Tyler Heed" is the Confidential Informant who provided the information to law enforcement that led to the Plaintiff's Hotel Room being raided.

Federal Agents provide plaintiff with a "target letter" stating he is the target of a Federal investigation and may be facing Federal Charges. Decisions on these matters have not yet been decided. Those decisions will be based on ~~the~~ the Plaintiff's appearance at a Sept 17th 2021 Grand Jury appearance. The letter is written by U.S. Attorney Matt Lisher. Attached is a Federal Defendants application for a lawyer. Also an address the form must be mailed to "Federal Clerk" and at a date to mail it by.

The Plaintiff is then the application to have a lawyer be appointed to him. Plaintiff is then contacted by Federal defender Ian Carleton, "Homeland Security Agent" "Derek Rice" provided the plaintiff with the target letter, "Derek Rice" told plaintiff that he was possibly facing Federal Conspiracy Charge and to cooperate and go in front of Grand Jury was an option to avoid Conspiracy. Plaintiff met with Ian Carleton in his Burlington, VT office. Plaintiff met with Ian Carleton and his assistant Sara Heim. Plaintiff was told that he was to be truthful if he goes in front of Grand Jury. Ian Carleton asks plaintiff many questions. Ian tells plaintiff that he would need to get immunity on certain things that the plaintiff disclosed to his lawyer Ian Carleton. Plaintiff is concerned how to ask for immunity without telling the prosecutor exactly what we are asking immunity for. For example plaintiff steals a lollipop from the store. If plaintiff asks for immunity for stealing a lollipop and he decides not to give immunity for stealing the lollipop, then the government knows the plaintiff stole the lollipop from ~~store~~ and might go ask ~~store~~ for security footage.

plaintiff and his lawyer Ian Carleton agree the best way to proceed is to Ask for Immunity on all topics that do not relate to violence or murder. The following day or two AFTER, the plaintiff is contacted by "Deret Rice" regarding the meeting between Ian and plaintiff.

Deret Rice related, repeated to plaintiff exactly what the plaintiff and Ian discussed. Deret Rice tells plaintiff the information came from "Matt Lasher" which came from Ian Carleton. Plaintiff confronts Ian Carleton by phone "Ian states 'That man is the mother fucking enemy', 'That man is the mother fucking enemy' and suggests maybe I get a new lawyer if I don't trust him. Plaintiff explains he doesn't want to change lawyers, Ian tells plaintiff to sleep on the decision and he would call him in the morning. The following morning Ian calls and plaintiff told him answer is still no. Plaintiff is then indicted on one count of conspiracy to distribute Cocaine. Ian tells plaintiff and explains "Alex" from his office would handle "arraignment". Plaintiff does not appear at arraignment and is arraigned at a later date via Zoom from D.W.S.C.F. Ian Carleton contacts plaintiff again insisting that the plaintiff find new Counsel. Plaintiff will not agree. Ian for the second time tells plaintiff to sleep on the decision. In the morning before arraignment the plaintiff has not changed his mind. Ian tells plaintiff that he wants to go in front of the judge "today" and get off case. Plaintiff finally agrees.

Plaintiff STATES after the raid of his Hotel room he moved to grand Isle, VT. At that point "They" called and said "They" needed to meet. Plaintiff met "Them" down the road from his residence and was picked up and driven to the local sheriff's department. Plaintiff states "Paul" - HSI agent and a Vermont Drug Task Force agent decided they would provide the plaintiff with a new Cell phone. Paul told the plaintiff that there would be a "Ghost App" installed into the phone and whenever I was going to be around the "Target" of their investigation that I was to notify "Paul" 15 minutes in advance at that point "Paul" can remotely access the phone and watch and listen "live" in real time. Plaintiff was instructed to aim the Camera part of the phone towards the "Target", Plaintiff was told either Camera on the front or back they could see both. Plaintiff believed "Derek Rice" was not really on board with the idea and drove the plaintiff to his residence. Later that night "Paul" and Vermont drug task force agent had went to Walmart and purchased a new Samsung phone. Paul parked down the street from plaintiff's residence and called the plaintiff and told him to come outside. Plaintiff was provided the new Samsung and was told that he was to follow directions if he didn't want to be charged with Conspiracy. Plaintiff did as he was instructed. Plaintiff was told that he must keep the Samsung plugged in and charged all times.

Plaintiff met with "Them" Basically seven days a week he was told to Come outside. On One Occasion Plaintiff slept in until around 5pm and ignored all Calls. Plaintiff States that when he finally answered a Call from "Hsi" he was told that he was not allowed to do that "they" were about to Come to his House. And next time "They" will. Plaintiff states he met with them again and "Paul" was saying that the Plaintiff could still be Charged with Conspiracy. Plaintiff responded By saying then "Why am I Doing this" "I am not helping you build a Case against myself" "I am not going to Jail a rat" or snitch" "Take me to Jail" Plaintiff States that he ended the meeting and got out of the truck. Plaintiff then recieved a Phone Call from "Derek Rice" stating that he had spoke with "U.S. Attorney" "Matt Lasher" and if the Plaintiff Continued to Cooperate he would not be Charged with Conspiracy. Plaintiff expressed his gratitude via multiple text messages. Plaintiff states that one night he unplugged the Samsung to use the outlet in order to Charge the Plaintiff's personal "I-phone". Plaintiff States The Samsung had 100% Battery life. Plaintiff states he was up late with his girlfriend and did not go to sleep until around 5am. Plaintiff States

That his personal I phone kept ringing and the Call was from "H5I" Plaintiff answered the Call because he was not allowed to avoid "them". Plaintiff is told by "H5I" That he Needs to plug in the Samsung phone now. that ~~is~~ it is about to die. Plaintiff tells "H5I" "Impossible" the phone was 100% a few hours ago. The plaintiff does not use the Samsung. The plaintiff gets out of bed and checks the Samsung and the Battery is 8% life. Plaintiff starts watching the Battery life. The following night plaintiff goes to sleep at normal hours and unplugs the phone at 100% Battery life. The following morning 98% Battery life. Plaintiff states he bought a Honda Civic. Plaintiff and his girlfriend are arguing about driving the Car. Plaintiff states the Car has no insurance and he doesn't have a license and is not driving to Burlington. Plaintiff states that his I-phone started to ring "H5I". Plaintiff answers the Call and was told "your fine" "If you get pulled over just Call me" Plaintiff states at that point it was no longer a secret that "H5I" is listening on the Samsung phone. Plaintiff states the following night that he shuts off the Samsung phone after meeting with the target and leaves it with the power off and Battery full life locked inside the "Honda Civic" inside

The glove box Plaintiff states that he then receives a phone call from "Hsi" asking him where the Samsung is. Plaintiff explains that it is safe and locked away inside the glove box with full Battery Power off. Plaintiff is told that he needs to go get it right now and plug it in and turn the power on "part of Cooperation". The plaintiff does what he is told. The plaintiff feels uncomfortable with "Them" listening to his private life but feels he has no choice.

A Couple nights after the plaintiff states him and his girlfriend were having an argument when plaintiff next meets with "Hsi" is asked about arguing all night long the night before. Plaintiff again powers down the full Battery Samsung at night and slides it between his two ~~of~~ mattresses, another ^{time} locking the phone in a small lock ~~box~~, lock box. Receiving similar phone calls each time to plug the Samsung back in. ITS Considered "Not Cooperating."

~~and so.~~ They were listening 24/7. ~~why does phone have to be inside -~~ Plaintiff believes "Devil Rice" did speak with "Lasher" and Lasher did say as long as ~~HE~~ Cooperated that ~~HE~~ would not be charged. ~~HE~~ Honestly Believe "They" never thought ~~HE~~ would be charged and things would never see light. ~~HE~~ Believes "Matt Lasher" went back on his word not realizing the depth of the things that really took place day to day. Plaintiff is trying to keep this as short as possible. AT LEAST 60 Day period of Daily Dealings with law enforcement.

Parties INVOLVED

1. Plaintiff, Shawn M. LaCross, an Inmate at Essex County Correctional Facility located at 702 Stowersville Road in Lewis, New York 12950, as a direct result by the Defendants' action.
2. Defendant, VERMONT STATE Police individual and official Capacity
3. Defendant, Federal Defenders Office, Ian Carleton Burlington, VT individual and official Capacity
4. Defendant, D.E.A., William Ruprich individual and official Capacity.
5. Defendant, 'Homeland Security Investigations Paul, Individual and official Capacity.

BREACH OF CONTRACT, Legal malpractice

Ian Carleton revealing to Matt Lasher the private conversation Plaintiff states Ian was to ask for immunity on all topics except murder and violence. Derek Rice revealed the conversation that took place in private between Plaintiff and Ian Carleton. in violation of fourth and fourteenth amendments of U.S. Constitution.

UNLAWFUL SEARCH AND SEIZURE

Defendants "State police" may have had reasonable suspicion to "Believe" that the plaintiff might have been a passenger in a Car that contained drugs. In this Case Vermont State police used a battering ram to gain entry into the plaintiff's home was warrantless and without Consent. A warrantless entry into a private home constitutes a search and presumptively is unreasonable under the Fourth Amendment "Leaf v. Shelmutt", 400 F.3d 1070, 1081 7th Cir. 2005. Defendants then tackled and arrested plaintiff after assaulting him with the door. The plaintiff was placed into the back of the police Cruiser in hand cuffs and drove the plaintiff to the State police Barracks which led into a de facto arrest. Under the Vermont and Federal Constitution a person cannot be unlawfully arrested to be "at the disposal of the authorities while a Case is discovered against him." In re Davis, 126 VT. 142, 142, 224 A.2d 905, 906 (1966); Cf. U.S. v. Ponce, 247 F.2d 646, 651 (2d. Cir 1991) see Florida v. Royer, 460 U.S. at 1035. Ct at 1328. The Fourth Amendment protects citizens against unlawful search and seizures.

Defendants finding 3 wax bags "empty" in the plaintiff's pocket. Defendants State "we can use these to start the process" and took the plaintiff directly to police Barracks in hand cuffs, placing plaintiff in Cruiser. In violation of Fourth Amendment.

HSI Agent "Paul" taking plaintiff's personal Cell phone and returning it hours later. Settings were changed. When plaintiff checked the phones internal usage and activity 30 minutes of his time was spent in the "3 Claws"

Substantive Due Process violation

D.E.A. Agent William Ruprich Continued to Question Plaintiff after he requested a lawyer multiple times. In violation of Fourteenth Amendment of U.S. Constitution.

Failure to prevent a Conspiracy and wrongful acts
in pursuant to 42 USC §§ 1985, 1986
State Police and D.E.A. Agents allowed Plaintiff to be taken inside of a designated interrogation room where he was threatened Coerced and violated of his due process. Plaintiff was refused a lawyer. He was told if he didn't provide the passwords to his phones that they would be seized and he wouldn't get them back and they would get into the phones no matter what by obtaining a warrant which will be granted.
"HSI" Giving Plaintiff phone and listening
Abuse of process in law enforcement

State Police used 3 empty wax bags that were found in the Plaintiff's pocket after he was wearing cuffs and being frisked in the hallway at the hill top Inn.

State Police allowing D.E.A. to interview me off Camera. In the parking lot in violation of the Fourth and Fourteenth Amendments

EQUAL PROTECTION Supervisor liability, failure to intervene

At The State Police Barracks The plaintiff was taken from his cell and brought into the Dark parking lot By D.E.A Agents where the plaintiff requested a lawyer multiple times and he was continuously threatened and harassed. State police failed to intervene or protect plaintiff due process was clearly violated.

HSI "pal" Being allowed to put plaintiff in possession with a device in which he is spied on with.

~~Best~~ IN violation of fourteenth Amendment of the United state Constitution.

EXCESSIVE FORCE

Vermont State Police officers used a Battering Ram to knock open the door at the Hill Top Inn, Barre VT. Hitting the plaintiff in the left side of his face and head also injuring the pinky finger of his right hand. Then jump out of him cutting him. without first obtaining a warrant.

IN violation of fourth Amendment of U.S. Constitution

OUTRAGED GOVERNMENT Conduct

1. Defendants unlawfully arrested and detained plaintiff by finding 3 empty wax bags in his pocket at the Hill Top Inn.
2. Defendants unlawfully gained entrance to the plaintiff's residence with the use of a battering ram hitting the plaintiff with the door without obtaining a warrant first.
3. William Ruprich taking the plaintiff outside of the interrogation room to threaten Harvers and force the plaintiff multiple times.
4. William Ruprich threatening to seize the plaintiff's phone if he doesn't allow access.
5. Ian Carleton revealing to Matt Lasher an entire conversation protected under Attorney Client.
6. HSI Agents arriving in Grand Isle, VT daily to threaten cooperation, enforce cooperation.
7. HSI Agents providing plaintiff with a Samsung phone in which they could remotely access and listen to plaintiff in his daily life activities.
8. HSI Agents telling plaintiff if he did not answer his cell phone it was uncooperative and "they" were coming to his residence.
9. HSI Agents telling plaintiff as long as he cooperated he would not be charged according to "Matt Lasher".

OUTRAGEOUS Government Conduct

10. Matt Lasher instead of having Plaintiff Go in front of Grand Jury. Takes the information obtained from Jan Carleton, Bringing Michael Chambeneau in front of Grand Jury.

11. HSI "Paul" taking Plaintiff's personal cell phone for about ~~1~~ Hours. Before returning it, when Plaintiff did get his phone back settings were changed. "I Cloud" had 30 minutes activity that was not Plaintiff, ABOUT 30 minutes.

in violation under the Fifth Amendment of the U.S. Constitution

FEDERAL WIRE TAPES STATUTE TITLE 18 OF OMNIBUS Crime Control AND safe streets ACT 1968

Defendants provided Plaintiff a Samsung cell phone with a "Ghost app" installed in which they were listening to the Plaintiff's daily activities. The security of one's privacy and strong intrusion by the police which is at the core of the Fourth Amendment is basic to a free society. They apply to all invasions on the part of the government and its employees of sanctity of a man's home and the privacy of his life. The defendants would not allow the Plaintiff to power off the phone or lock it in a safe place. The Plaintiff had purchased a car and was having a private conversation in his home about ~~the~~ illegally driving the car when he receives a phone call from HSI Agent stating "your time" if you get pulled over just call me" 18 USC §§ 2510-2511 in violation Plaintiff was in possession of this Samsung for 3 weeks about...

RELIEF

1. Plaintiff seeks the amount of two million \$ ~~\$2,000,000.00~~ \$2,000,000.00 in Compensatory and punitive damages from D.E.A. for mental anguish, stress, threats, depression and legal problems the plaintiff endured as a direct result from defendants actions and plaintiffs incarceration.

2. Plaintiff seeks \$40,000.00 forty thousand in Compensatory and punitive damages from Federal Defender office "Ian Carleton" for mental anguish, stress, depression and legal problems the plaintiff endured as a direct result from defendants actions and plaintiffs incarceration, ALSO injunctive relief by having Ian Carleton Barred from serving law for 3 years.

3. Plaintiff seeks the amount of one million dollars \$1,000,000 inclusive of punitive damages in Compensation for mental anguish, Excessive force, pain and suffering, migraines, stress, loss of sleep, depression, PTSD, and legal problems plaintiff endured as a direct result from defendants actions "State police" and plaintiffs incarceration, Disrespect.

4. Plaintiff seeks the amount of Five million \$5,000,000.00 from "Homeland Security" (HSI) in Compensation and punitive damages, for mental anguish, invasion of privacy, stress, loss of sleep, Depression and legal problems the plaintiff endured from the defendants actions and plaintiffs incarceration. ALSO Defamation.

5. Plaintiff seeks injunctive relief an immediate release from prison, dismissal with prejudice on Current charge. AND immunity on future prosecution ^{STAYED} for past offenses, That are non violent ^{STAYED}

Shawn J. Cross

Signature

3/8/2022